



## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2012-07

**LEGISTAR #:** 20120859

**LANDOWNERS:** Ray Worden  
340 Kennesaw Avenue  
Marietta, GA 30060

**APPLICANT:** Same as above

**PROPERTY ADDRESS:** 361/363 Campbell Hill Street

**PARCEL DESCRIPTION:** Land Lot 11470, District 16, Parcel 0390

**AREA:** 0.24 ac. **COUNCIL WARD:** 4

**EXISTING ZONING:** NRC (Neighborhood Retail Commercial)

**REQUEST:** NRC (Neighborhood Retail Commercial) with an additional use.

**FUTURE LAND USE MAP**

**RECOMMENDATION:** NAC (Neighborhood Activity Center)

**REASON FOR REQUEST:** The applicant is requesting the rezoning of this property from NRC to NRC with an additional use so the property may be used as a residence (duplex).

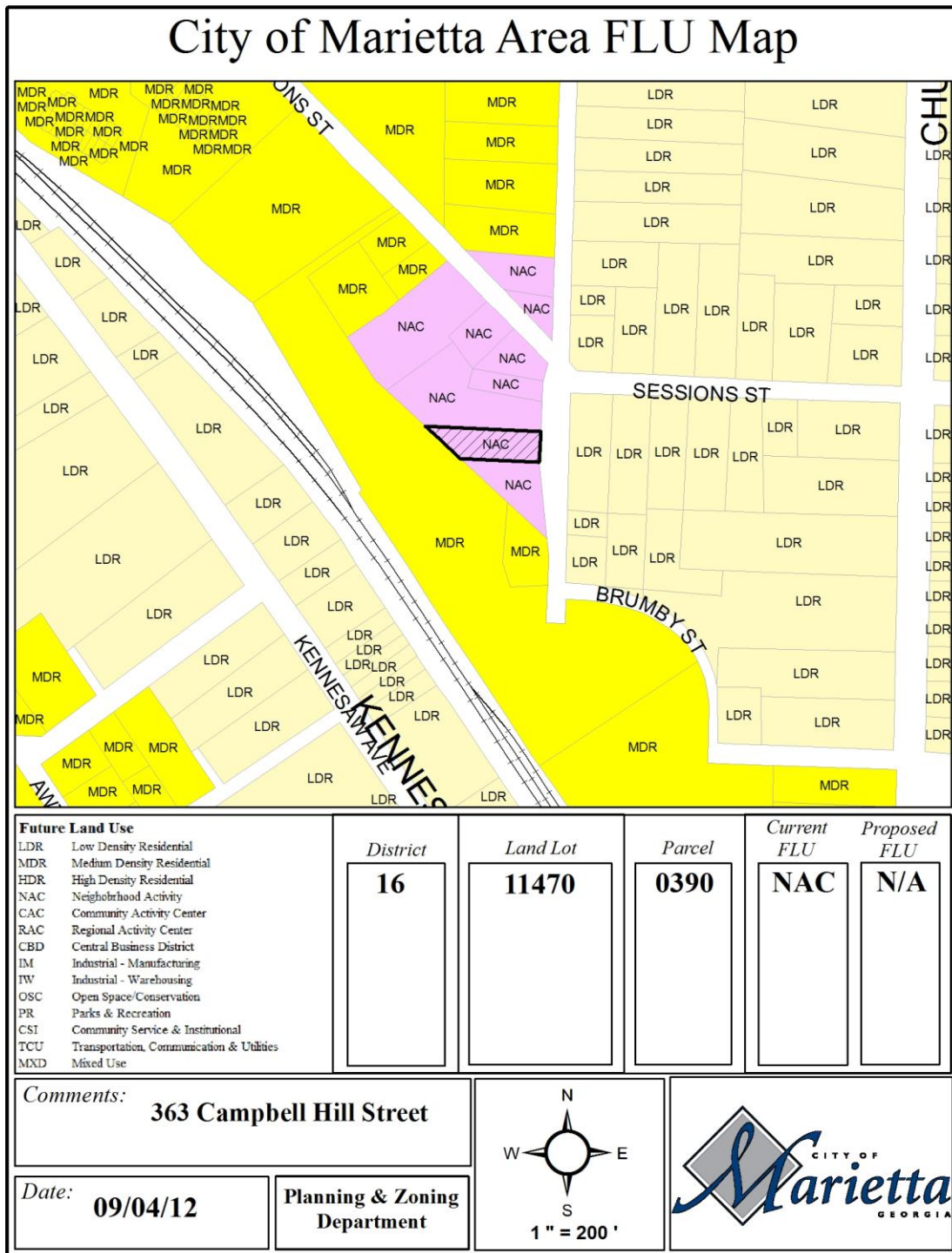
**PLANNING COMMISSION HEARING:** Tuesday, October 2, 2012 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, October 10, 2012 – 7:00 p.m.

## MAP



## FLU MAP





**PICTURES OF PROPERTY**



**Subject Property (front view)**



**Subject property (rear view)**

## STAFF ANALYSIS

### *Location Compatibility*

Ray Worden is requesting the property located at 363 Campbell Hill Street be rezoned from NRC (Neighborhood Retail Commercial) to NRC with an additional use so the property may be reestablished as a residence. The property contains a residential structure that has, until September 2009, been continuously used as a duplex. To the north and south of the property are other properties that are also zoned NRC but are used residentially. Apartments, zoned PRD-MF (Planned Residential Development – Multi Family), lie to the west/rear of the subject property. Across Campbell Hill Street to the east are single family homes zoned R-4 (Single Family Residential – 4 units/acre).

### *Use Potential and Impacts*

Although zoned NRC, the subject property has never been used as a commercial business, instead having been built and used residentially until the tenants vacated the property in 2009. Because the property has not been used residentially for more than 6 months (per Section 706.02), it cannot be reestablished as a residence. However, the applicant would like to continue using the property for residential purposes while keeping the commercial zoning intact.

Residential land uses are typically less intensive than commercial uses in that they usually generate less traffic and noise. As a result, residential uses are generally more desirable as neighbors. Since the existing neighborhood is primarily residential and the subject property has historically been used as a residence, reestablishing the residential use should not negatively affect the surrounding properties.

The Future Land Use (FLU) of this parcel, as specified in the City's Comprehensive Plan, is Neighborhood Activity Center (NAC). The FLU serves as a guide for long-term growth and how development should occur over time and into the future. The purpose of a Neighborhood Activity Center is to provide goods and services to the immediate neighborhood and can be seen as a way to eliminate lengthy automobile trips by providing common, every day goods within walking distance. The subject property is designated, along with most of the parcels on the west side of Campbell Hill Street, is designated NAC as a result of the Cherokee-Church Street Historic District & Kennestone Area Study. This study identified the intersection of Sessions Street and Campbell Hill Street as the "Sessions Street Node" to serve the immediate residential neighborhood. NRC zoning is compatible with the NAC Future Land Use; however, a residential use would not be considered compatible with this FLU.

### *Environmental Impacts*

Any proposed changes to the site should be minimal so there should be no additional environmental impacts caused by the proposed request. There is no indication of any wetlands, streams, or endangered species existing on the property.

It is likely that the site is not in complete conformance with the Tree Protection and Landscaping ordinance (§712.08), as it does not have the necessary street trees. The trees that are present are mature and appear to meet the intent of the ordinance, if not the individual criteria. As a result, a variance would be required to allow the trees currently on the site to satisfy the requirements of the tree ordinance until the site is redeveloped or converted to commercial use:

- Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped or converted to commercial use.

### *Economic Functionality*

Despite being zoned NRC, the property has a fairly continuous history of being used as a residence. This would indicate that the property is not appropriately zoned. However, recent economic conditions have subdued the demand for commercial real estate while the need for affordable residential property has proven to be constantly in demand. It is likely that, in a stronger market, this property would have a reasonable economic use under the current NRC zoning. However, a lack of sufficient parking would likely have an impact on the use and usability of the property for commercial purposes.

### *Infrastructure*

Providing the required parking spaces for this site will be difficult because of the limited width of the parcel paired with placement of the existing building. Parking for residential use is based on the number of units; commercial parking requirements are based on the square footage of the proposed use. According to TABLE J., Minimum Off Street Parking Required, a duplex would require 4.4 parking spaces while a 1,250 s.f. retail store would require 5 spaces.

The most feasible option for parking provision is to create a parking area in the rear of the site. However, Section 716.08 (C)(5) requires interior driveways to be at least 20' wide in order to accommodate two-way traffic. Since the building is only setback approximately 10' from the property line at the widest point, a variance to reduce the required driveway width from 20' to 10' would be necessary in order to support on-site parking in the rear.



An old driveway runs along the right side of the structure where the previous tenants would park in tandem, common for older residences with driveways wide enough for only a single vehicle. Another option includes allowing cars to continue parking in tandem along the right side of the structure. However, the problems associated with this method increase as the number of parked cars increase, as cars become “trapped” in the interior and must employ creative and elaborate ways to exit.

The gravel or paving on the old driveway has not been maintained so the area has become heavily grassed. The Zoning Ordinance prohibits parking on an unpaved surface. The driveway would need to be improved in order to accommodate vehicles since on-street parking in the City is prohibited.

The property will also be impacted by a segment of the Mountain to the River Trail - a “multi-use trail” - a bicycle and pedestrian trail proposed to be developed by the City of Marietta. The trail segment will consist of an 8 foot wide sidewalk running along the property parallel to Campbell Hill Street, which will eventually link Kennesaw Mountain to Downtown Marietta. Once completely developed, the trail will meander through Atlanta to Stone Mountain.

### *History of Property*

There is no history of any variances, Special Land Use Permits, or past rezonings for this property.

### *Other Issues*

Because the property and structure was originally built to be used as a residence, there are many aspects of the site that do not comply with the NRC zoning standards. As a result, the following variances would be necessary in order to make the site conform:

- Variance to reduce the minimum lot width from 75’ to 50.’ §708.15 (H)
- Variance to reduce the left (south) side setback from 10’ to 6’ in order to accommodate the existing building. §708.15 (H)
- Variance to reduce the side setback for an accessory structure from 10’ to 3’ in order to accommodate the existing shed on the south side of the rear yard. §708.15 (F)(1)
- Variance to reduce the side setback for an accessory structure from 10’ to 5’ in order to accommodate the existing shed on the north side of the rear yard. §708.15 (F)(1)

Should the property be rezoned as requested and the applicant wish to eventually use the property as a commercial business, the applicant would need to work with all City Departments in order to ensure that the building is brought up to commercial code.



The City has received a handful of similar rezoning requests in the past few years. In December 2010, City Council rezoned a property at 1051 South Marietta Parkway from CRC to R-4 after the applicant made an original request to rezone from CRC to CRC with an additional use for residential (Z2010-13). After receiving and denying a request (Z2011-03) to rezone a parcel from CRC to CRC with an additional use for residential, City Council rezoned a single family home at 712 Lawrence Street in October 2011 per Z2011-14 from CRC to R-4.



## ANALYSIS & CONCLUSION

Ray Worden is requesting the rezoning of a duplex at 363 Campbell Hill Street from NRC (Neighborhood Retail Commercial) to NRC with an additional use so the property may be reestablished as a duplex. The property has been vacant since 2009 and, because the property has been vacant for more than 6 months (per Section 706.02), it cannot be reestablished as a residence. The applicant would like to continue using the property as a duplex while keeping the commercial zoning intact.

Residential land uses are typically less intensive than commercial uses in that they usually generate less traffic and noise. The most problematic issue with this rezoning request is the provision of parking, which would be necessary whether the site was used residentially or commercially. It is possible to continue to park in tandem along the right side on an improved surface, although this would not be acceptable for commercial standards, and will become more problematic as more cars are stacked. If a parking area was provided in the rear, a variance would be necessary in order to reduce the required internal driveway width for two-way traffic.

In addition, because the property was originally built as a residence, many of the site conditions do not meet the NRC bulk and area regulations and would require variances:

- Variance to reduce the minimum lot width from 75' to 50.' §708.15 (H)
- Variance to reduce the left (south) side setback from 10' to 6' in order to accommodate the existing building. §708.15 (H)
- Variance to reduce the side setback for an accessory structure from 10' to 3' in order to accommodate the existing shed on the south side of the rear yard. §708.15 (F)(1)
- Variance to reduce the side setback for an accessory structure from 10' to 5' in order to accommodate the existing shed on the north side of the rear yard. §708.15 (F)(1)
- Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped or converted to commercial use.
- Variance to reduce the required driveway width from 20' to 10.' § 716.08 (C)(5)

The property will also be impacted by a segment of the Mountain to the River Trail – an 8 foot wide “multi-use trail” – or bicycle and pedestrian trail that is proposed to be developed by the City of Marietta, and which will extend along the frontage of the property.

The Future Land Use (FLU) of this parcel, as specified in the City’s Comprehensive Plan as a result of the Cherokee-Church Street Historic District & Kennestone Area Study, is Neighborhood Activity Center (NAC). NRC zoning is compatible with the NAC Future Land Use; however, a residential use would not be considered compatible with this FLU.

**Prepared by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_

## DATA APPENDIX

### ***CITY OF MARIETTA - WATER***

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	n/a
Size of the water line?	10-inch
Capacity of the water line?	Flow test required
Approximate water usage by proposed use?	Not provided

### ***CITY OF MARIETTA - SEWER***

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	n/a
Size of the sewer line?	8-inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F                      Peak Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

Does flood plain exist on the property?	No
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

### **Transportation**

What is the road affected by the proposed change?	Campbell Hill Street
What is the classification of the road?	Local
What is the traffic count for the road?	No Data Available
Estimated number of cars generated by the proposed development? **	No Data Provided
Estimated number of trips generated by the proposed development? **	No Data Provided
Do sidewalks exist in the area?	Yes
Transportation improvements in the area?	No
If yes, what are they?	---
**The above Trip Generation numbers are estimated from an ITE list. We make these estimates in good faith using known data at the time of the review. No comments are necessary from Public Works.	



## DATA APPENDIX CONTINUED

### EMERGENCY SERVICES

Nearest city or county fire station from the development?	Marietta Station 51
Distance of the nearest station?	.8 miles
Most likely station for 1 <sup>st</sup> response?	Marietta Station 51
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

### MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes   X   No           

If not, can this site be served? Yes            No           

What special conditions would be involved in serving this site?

Additional comments:





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## DATA APPENDIX CONTINUED

### ***MARIETTA CITY SCHOOLS***

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#### **Marietta City Schools Impact Assessment:**

Elementary School Zone Servicing Development:	West Side Elementary
Middle School Servicing Development:	Marietta Middle School
High School Servicing Development:	Marietta High School
Current Capacity at Servicing Elementary School:	450-550
Current Capacity at Marietta Middle School:	1300-1400
Current Capacity at Marietta High School:	2500-2600
Current Enrollment at Servicing Elementary School:	501
Current Enrollment at Marietta Middle School:	1136
Current Enrollment at Marietta High School:	1725
Number of students generated by present development:	Max 2
Number of students projected from proposed development:	n/a
New School(s) planned that might serve this area:	None

#### **Comments:**